

Rev 04/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
CENTRAL FAX CENTER

APR 26 2005

In re application : Mark D. Laird, et al.
 Application No. : 10/661,739
 Filed : September 12, 2003
 Confirmation No. : 8290
 For : TRAFFIC VIOLATION DETECTION AT AN
 INTERSECTION EMPLOYING A VIRTUAL
 VIOLATION LINE
 Examiner : Kandasamy Thangavelue
 Attorney's Docket : NEST-010AX

TC Art Unit: 2123

* * * * *

I hereby certify that this correspondence is being sent via
 facsimile to Examiner Kandasamy Thangavelu, TC Art Unit 2123, Fax
 No. (703)872 9306, on 4-26-05.

By: 

Victor B. Lebovici
 Registration No. 30,864
 Attorney for Applicants

* * * * *

RESPONSE PURSUANT TO 37 C.F.R. §1.116

Via Facsimile
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

The present submittal is in response to the final official
 action dated January 26, 2005. The sole basis for the rejection
 of the claims in the above-identified official action involves the
 judicially created doctrine of obviousness-type double patenting.

WEINGARTEN, SCHURGEN,
 GAGNEBIN & LEBOVICI LLP
 TEL. (617) 542-2290
 FAX. (617) 451-0313

Application No. 10/661,739
Filed: September 12, 2003
TC Art Unit: 2123
Confirmation No.: 8290

On November 2, 2004, prior to the issuance of the final official action, the Applicant submitted a Terminal Disclaimer. The Terminal Disclaimer was initially not accepted as indicated in paragraph 3 of the final official action. The undersigned counsel of record, prior to receipt of the final official action, checked the online status for the application on or about January 26th and observed that the Terminal Disclaimer had been rejected. On or about January 26, 2005, the undersigned telephoned the Examiner to inquire with respect to the basis for the rejection of the Terminal Disclaimer. Subsequently, the Examiner called back and advised the undersigned that the Terminal Disclaimer had been reviewed by the responsible group and that the Terminal Disclaimer had been determined to be acceptable. The Examiner indicated that the case would be moving toward issuance and that no response to the final official action would be necessary. The final official action dated January 26, 2005 was received by the undersigned on January 28, 2005. Subsequently, the undersigned checked the online-status of the application and confirmed that the Terminal Disclaimer that was submitted on November 2, 2004 had been approved. A copy of an online document reflecting the approval of the Terminal Disclaimer is attached.

The Applicant further desires to make of record a telephone discussion with the Examiner on March 23, 2005. On March 23, 2005 the Examiner called the undersigned to discuss certain proposed claim amendments. During the telephone call, the undersigned and the Examiner agreed to minor amendments of claim 1 and claim 29 which the Examiner indicated would be incorporated by Examiner's Amendment. With these amendments, the undersigned understood that the application would be passed to issuance. The undersigned

-2-

WEINGARTEN, SCHWABIN,
CAGGEBIN & LEEOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

Application No. 10/661,739
Filed: September 12, 2003
TC Art Unit: 2123
Confirmation No.: 8290

desires to express his appreciation to the Examiner for his assistance with this matter.

The Applicant further wishes to make of record a telephone discussion with the Examiner on April 14, 2005 during which the undersigned inquired of the Examiner with respect to the status of the Application since the final official action remains outstanding and no communication from the United States Patent and trademark Office had been received. The undersigned was advised that a Notice of Allowance was either in the system or had been mailed.

Applicant respectfully submits that since the Terminal Disclaimer has been approved, the application is in condition for allowance and that all remaining issues in the application have been addressed.

Accordingly early and favorable action is respectfully requested.

Respectfully submitted,

MARK D. LAIRD, ET AL.

By: 

Victor B. Lebovici
Registration No. 30,864
Attorney for Applicants

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

320518

-3-

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313